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Date: October 15, 2004By: 

Aida Martinez

PATENT

Docket No. GC627-2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Diaz-Torres *et al.*

Serial No.: 09/927,161

Filed: August 10, 2001

For: *Bacillus* Transformation, Transformants)  
and Mutant Libraries

Group Art Unit: 1639

Examiner: Shibuya, Mark

## PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a response to a Final Office Action mailed July 27, 2004, Applicants respectfully requested that the following amendments be made. In an Advisory Action mailed September 1, 2004, the Examiner indicated that the amendments were not entered as they allegedly raised new issues that would require further consideration and search.

A complete list of the Claims, including marked-up versions of the rewritten, added, and/or cancelled claims is provided below, beginning on page 2. None of the amendments to the Claims is intended to narrow the scope of any of the amended Claims within the meaning of *Festo*<sup>1</sup>. The Remarks begin on page 4, and the Conclusion is on page 8.

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<sup>1</sup> *Festo Corp. v. Shoketsu Kogyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753648 (Fed. Cir. Nov. 29, 2000).

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